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ATLANTA GA 30357-0037

Paper No. 07172006

In re Application of	:	Petition to Expunge Information
Raymond Rudolph Spivey	:	Unintentionally submitted under
Application Number 10/777,614	:	37 C.F.R 1.59(b)
Filed: February 12, 2004	:	
For: Carton With An Improved Dispensing Feature	:	

This is in response to applicant's Petition under 37 C.F.R. 1.59(b) filed on September 14, 2004 to expunge information unintentionally submitted.

The petition is **DISMISSED** as moot.

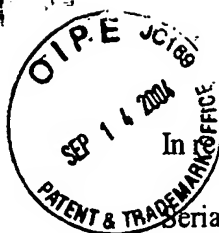
Applicant petitioned to the have a non-redacted copy of the brief filed May 26, 2004 expunged from the record of this application. A search of the Official record for this application has been done and no copy of a brief was filed May 26, 2004 was found. The IDS filed June 1, 2004 references a "Riverwood International Corporation v. Meadwestvaco Corporation" pre-hearing brief but there is no copy of this document in the official record. Therefore, there is no copy to return with this letter.

**SUMMARY:** The petition is **DISMISSED** a moot.

Inquiries related to this decision may be directed to Supervisory Patent Examiner Eileen Lillis at (571) 272-6928.

John Love  
Director  
Patent Technology Center 3600  
571-272-5350

edl/kd



**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In application of: )  
Raymond Rudolph Spivey )  
Serial No.: 10/777,614 ) Art Unit: 3653  
Filed: February 12, 2004 ) Examiner: Noland, Kenneth W.  
For: CARTON WITH AN IMPROVED )  
DISPENSING FEATURE ) Docket No.: R029 1064.4

**CERTIFICATE OF EXPRESS MAIL**

Mail Stop Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above case are the following documents:

Petition to Expunge Information Unintentionally Submitted  
in an Application under 37 C.F.R. 1.59(b)  
Appendix - Riverwood's Supplemental Pre-Hearing Brief in Support of  
Plaintiff's Motion for Preliminary Injunction  
Return Postcard

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Atlanta, GA 30357-0037  
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I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service under 37 CFR 1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # EV 315816270 US.

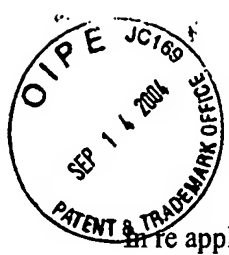
September 14, 2004  
Date

Cheryl West  
(Printed Name of Person Mailing  
Correspondence)

Cheryl West  
(Signature of Person Mailing  
Correspondence)

08-15-04

DAC  
ITW.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Raymond Rudolph Spivey

Serial No.: 10/777,614

Filed: February 12, 2004

For: CARTON WITH AN IMPROVED  
DISPENSING FEATURE

Docket No.: R029 1064.4

**PETITION TO EXPUNGE INFORMATION UNINTENTIONALLY SUBMITTED**  
**IN AN APPLICATION UNDER 37 C.F.R. 1.59(b)**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby submits this Petition to Expunge Information Unintentionally Submitted In An Application, pursuant to 37 C.F.R. 1.59(b). Petitioner requests that a non-redacted Brief, entitled "Riverwood's Supplemental Pre-Hearing Brief in Support of Plaintiff's Motion for Preliminary Injunction" as filed in an Information Disclosure Statement (IDS) by the Applicant on May 26, 2004, be expunged from the file history record, and that this non-redacted Brief be replaced with a redacted version of the same Brief. The non-redacted version of the Brief was unintentionally submitted during prosecution of the present Application rather than the redacted version, which is attached in the Appendix hereto.

Petitioner hereby states that the Office can affect such return of the information prior to the issuance of any patent on the Application in issue.

Petitioner acknowledges the requirement to retain such information for the period of any patent with regard to which such information is submitted.

Certain information contained in the Brief submitted along with the IDS should have been redacted prior to submission of the IDS. That information has been removed from the redacted version, is not material information under 37 C.F.R. 1.56, and does not affect the patentability of the application to which the document was submitted. This information in the non-redacted Brief is subject to a Protective Order as issued by the U.S. District Court, Northern District of Georgia, Atlanta Division. The replacement of the non-redacted version of the Brief with the redacted version will be in furtherance of the Protective Order.

The Petitioner also has submitted a Petition to Expunge in reference to the prosecution history of U.S. Patent Application No. 10/425,846, which is the "parent" of the instant Application. The non-redacted Brief also was submitted in an IDS in the '846 Application. The '846 Application issued as U.S. Patent No. 6,715,639 on April 6, 2004. The disclosure in the prosecution history of the '639 Patent is the only public disclosure of the non-redacted material from the Brief to Applicant's knowledge. Removal of the non-redacted material from the prosecution file history is believed by Applicant to expunge this information from the public domain.

Accordingly, under 37 C.F.R. 1.59(b), the Petitioner requests: (i) expungement of the non-redacted Brief entitled "Riverwood's Supplemental Pre-Hearing Brief in Support of Plaintiff's Motion for Preliminary Injunction," filed in an IDS by the Applicant on May 26, 2004, and (ii) replacement of the non-redacted Brief with the redacted version of the same Brief.

The Commissioner is hereby authorized to charge any fees for this petition to deposit  
account no. 09-0528.

Respectfully submitted,

9/13/04  
Date

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## APPENDIX TO

PETITION TO EXPUNGE INFORMATION UNINTENTIONALLY  
SUBMITTED IN AN APPLICATION UNDER 37 C.F.R. 1.59(b)



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

RIVERWOOD INTERNATIONAL CORPORATION,	)	
	)	
Plaintiff,	)	
	)	Civil Action
vs.	)	No. 1:03-CV-1672 (TWT)
	)	
MEADWESTVACO CORPORATION,	)	
	)	<i>Filed Under Seal -</i>
Defendant.	)	<i>Contains Confidential Materials</i>
	)	
and	)	
	)	
COCA-COLA ENTERPRISES INC.,	)	
	)	
Intervenor.	)	

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**RIVERWOOD'S SUPPLEMENTAL  
PRE-HEARING BRIEF IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

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(nka Graphic Packaging Corporation)

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